

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Morgan Heller, II on 9 October 2008.

The application has been amended as follows:

IN CLAIM 1:

In line 5, replace "determining" with --using said dialyzer to determine--.

IN CLAIM 6:

In line 5, replace "determining" with --using said dialyzer to determine--.

2. Upon entry of the above amendment, claims 1-10, 15, 16, and 18-24 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or suggest the combination of steps claimed by Applicant.

With regard to claims 1-10, WO 98/55166 to Sternby discloses the steps to determine whole body clearance value, but fails to disclose the steps of determining a whole body clearance *ratio* with the values claimed by Applicant. The amendment to the claims ties the claimed process to an underlying apparatus for performing the process, rendering the claims eligible for patent protection under 35 USC § 101.

With regard to claim 15, the claim recites the underlying step of performing a dialysis treatment, rendering the claim eligible for patent protection under 35 USC § 101.

With regard to claim 16, WO 98/55166 to Sternby discloses an apparatus that uses a processor to determine whole body clearance value, but fails to disclose a processor configured to determine a whole body clearance *ratio* with the values claimed by Applicant.

With regard to the computer-readable medium claims 18-24, Applicant successfully claimed all the steps of the allowed method. Since Applicant does NOT disclose that the computer readable medium may comprise a signal, the claims are eligible for protection under 35 USC 101.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE R. DEAK whose telephone number is (571)272-4943. The examiner can normally be reached on Monday - Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leslie R. Deak/
Primary Examiner
Art Unit 3761
9 October 2008